

ELLIS:LAWHORNE

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April 10, 2006

VIA U.S. FIRST CLASS MAIL

The Honorable Charles L.A. Terreni
Executive Director
SC Public Service Commission
P.O. Drawer 11649
Columbia, SC 29211

RE: Petition to Establish Generic Docket to Consider Amendments
To Interconnection Agreements Resulting from Changes of Law
U.S. District Case No. 05-cv-3122, Our File No. 803-10271

Dear Mr. Terreni:

Enclosed please find the original and a copy of the Instructions to Clerk for filing on behalf of Nuvox Communications, Inc. and Xspedius Communications, LLC.

By copy of this letter, I am hereby serving all parties of record with a copy of this document and enclose my certificate of service to that effect.

Please stamp "received" the additional copy of this letter, and return the copy via U.S. first class mail, a self-addressed envelope is enclosed.

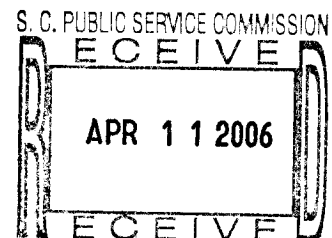
With kind regards, I am

Yours truly,

John J. Pringle Jr
John J. Pringle, Jr. *by ck*

Enclosures

cc: John Heitmann, Esquire
Susan Berlin, Esquire
all parties of record



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

NUVOX COMMUNICATIONS, INC.

and

XSPEDIUS COMMUNICATIONS, LLC,

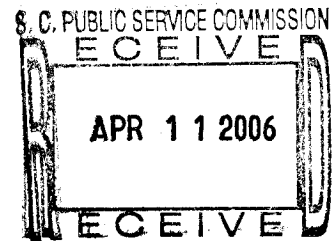
Plaintiffs,

v.

PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA, *et al.*,

Defendants.

Case 05-cv-3122-MBS



INSTRUCTIONS TO CLERK

Plaintiffs NuVox Communications, Inc. and Xspedius Communications Corp., on behalf of itself and its operating subsidiaries, as proposed in the amended Joint Rule 26(f) Report filed by the parties on March 24, 2006,¹ hereby submit these Instructions to the Clerk of the Public Service Commission of South Carolina to request that the relevant portions of the record in the proceeding below, Docket No. 2004-316-C, as well as the two related arbitration dockets (Nos. 2004-42-C and 2005-57-C) be forwarded to this Court.

The docket in that proceeding includes some issues and disputes that are not before the Court in this appeal. Thus, in order not to burden the record, Plaintiffs request that the Clerk to limit the record to the following documents:

¹ The Court has not approved this proposed schedule. In order to afford sufficient time for the record to be forwarded, Petitioners nonetheless file and provide Instructions at this time.

I. DOCKET NO. 2004-42-C – *Joint Petition For Arbitration Of NewSouth Communications Corp., et al.*

<u>PSC DOCUMENT NO.</u>	<u>DESCRIPTION</u>
170914	Joint Motion to Withdraw Petition for Arbitration
2004-471	Scheduling Order for Arbitration
2004-470	Order Ruling on Two Motions
2004-472	Order Granting Joint Motion for Leave to Withdraw

II. DOCKET NO. 2004-316-C – *Petition of BellSouth to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting from Changes in Law*

<u>PSC DOCUMENT NO.</u>	<u>DESCRIPTION</u>
2004-591	Order Establishing Docket and Evidentiary Hearing
2004-644	Order Holding Matters in Abeyance
2005-247	Order Addressing Petition for Emergency Relief
2005-405	Order Granting Withdrawal of Petition to Intervene of KMC Telecom III, LLC, <i>et al.</i>
2005-481	Order Denying Petition
2005-495	Order Denying Rehearing or Reconsideration
171926	Petition of BellSouth Telecommunications, Inc. to Establish Generic Docket to Consider Amendments to Interconnection Agreements Resulting From Changes of Law
172099	Xspedius Petition to Intervene
172100	NuVox Petition to Intervene
172166	KMC Petition to Intervene
172946	Petition for Emergency Relief (NuVox and Xspedius)

172994	Discuss with the Commission a Petition for Emergency Relief filed by NuVox Communications, <i>et al.</i> (filed by Commission Staff)
173040	Modified Carrier Notification (BellSouth)
173041	BellSouth Proposed Order
173042	BellSouth Brief in Response to Petition for Emergency Relief
173046	ITC^DeltaCom Communication Inc.'s Brief in the Petition Of BellSouth To Establish Generic Docket
173047	Proposed Order Requiring BellSouth to Comply with Change of Law (filed by ITC^DeltaCom)
173043	Brief of Petitioners NuVox and Xspedius
173320	Supplements to Various Orders (filed by BellSouth)
173324	Office of Regulatory Staff Comments on CLEC's Proposed Order
173172	Commission Request to all parties who presented oral arguments on March 10, 2005, to file proposed orders
173149	Supplements to Various Orders (filed by BellSouth)
173056	Letter supporting the Petition for Emergency Relief Filed by NuVox on March 2, 2005 (CompSouth)
173060	Exhibit A (Order) (filed by BellSouth)
173022	Response of Navigator Telecommunications, LLC to BellSouth's Carrier Notification Letter SN91085039
174683	KMC Petition to Withdraw Petition to Intervene
173417	Letter informing Commission of Court decision in Georgia filed on behalf of Bellsouth Telecommunications, Inc.
173478	Copy of Order from the United States District Court for the Northern District of Georgia, Atlanta Division

Regarding *BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Services, LLC et al.*, and BellSouth's Brief summary

173501	Vote Sheet recording the decision the Florida Public Service Commission Reached on the <i>TRRO</i> (filed by BellSouth)
173510	Supplemental Brief of the Joint Petitioners
173517	Supplemental Discussion of the Office of Regulatory Staff
173519	ITC^DeltaCom Communications, Inc. Comments pursuant to the Public Service Commission Directive Issued April 5, 2005
173546	BellSouth's Brief on the Georgia Court Order and Trends in Decision by other State Commissions; BellSouth's revised Proposed Order

III. DOCKET NO. 2005-57-C – *Joint Petition for Arbitration of NewSouth Communications Corporation, et al.*

<u>PSC DOCUMENT NO.</u>	<u>DESCRIPTION</u>
2005-217	Order Establishing Arbitration Plan and Schedule
2006-84	Order Adopting Proposed Schedule

Petitioners request that the Clerk forward the above-named papers to the Clerk of the United States District Court for the District of South Carolina for filing in this Case No. 05-cv-3122-MBS.

Respectfully submitted,

By: John J. Pringle Jr. *by CR*
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Counsel to NuVox Communications, Inc.
and Xspedius Communications, LLC

**Admission pending*

April 10, 2006

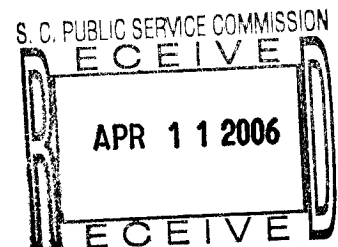
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

<p>NUVOX COMMUNICATIONS, INC.</p> <p>and</p> <p>XSPEDIUS COMMUNICATIONS, LLC,</p> <p>Plaintiffs,</p> <p>v.</p> <p>PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA, <i>et al.</i>,</p> <p>Defendants.</p>	<p>Case 05-cv-3122-MBS</p> <p>CERTIFICATE OF SERVICE</p>
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This is to certify that I have caused to be served this day, one (1) copy of the **INSTRUCTIONS TO CLERK** by electronic filing or by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

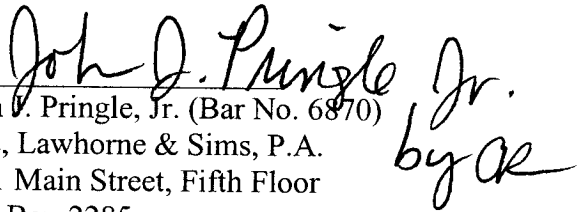
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Of Counsel for BellSouth Telecommunications, Inc.

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April 10, 2006
Columbia, South Carolina